

REMARKS

Further to the Notice of Appeal filed on March 20, 2006 and in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated May 15, 2006, Applicants hereby submit the attached Request for Continued Examination, along with the above noted amendments, in accordance with 37 C.F.R. §1.114.

Claims 1, 10, 20-24, 36, 48, 57 and 66-68 are amended to particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Applicants are grateful for the indication that claims 10-11, 20-23 57 and 66-68 would be allowable if rewritten into independent form. However, Applicants respectfully submit that these claims are allowable in their present form for the reasons set forth below. Claims 1-73 are respectfully submitted for consideration.

The Office Action rejected claims 1-9, 12-19, 24-56, 58-65, 69 and 70-73 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,621,793 to Widegren et al (Widegren). This rejection is respectfully traversed.

Claim 1, upon which claims 2-22, 69 and 70 depend, recites a method of providing services to user equipment. Subscriber information is provided from the database to the policy decision entity regarding permitted conditions for the users to obtain the services. Service provider information is provided from the at least one network or server regarding the services offered to the user equipment, which is utilized by the policy decision entity. Further, policy rules are formed at the policy decision entity based upon the subscriber information and the service information. A request for a session is transmitted to the communications network which is processed by a policy decision entity

in accordance with the policy rules to determine if a session is to be allowed and if the session is allowed. Characteristics are determined of the service to be provided to the requesting user equipment and the policy enforcement entity enforces at least one characteristic of an allowed session upon the communication network to insure that the allowed session obtained by the requesting user equipment has the at least one characteristic of the allowed session.

Claim 24, from which claims 25-33 and 71 depend, recites a system for controlling the providing of service to user equipment. The system includes a communication system including a database storing subscriber information regarding subscription of users of the user equipment to obtain sessions of the services, a policy enforcement entity to which the user equipment is coupled to obtain the services, and a policy decision entity which is coupled to the policy enforcement entity and to the database. At least one network or server which is coupled to the policy decision entity that provides the sessions of the services to the user equipment through the policy decision entity. The at least one network or server provides service information to the policy decision entity regarding the sessions of the services which are offered to the user equipment, the database provides the stored subscriber information to the policy decision entity regarding subscription of the users of the user equipment to obtain the sessions of the services provided by the at least one network or server. The policy decision entity formulates policy rules defining characteristics of the sessions which may be obtained by users of the user equipment from the at least one network or server in response to the subscriber information and the service information and the policy enforcement entity in

response to the policy rules enforces the obtaining of the sessions of the services by the user equipment through the wireless system in accordance with at least one characteristic.

Claim 36, from which claims 37-47 and 72 depend, recites an entity for controlling the providing of services to user equipment. At least one network or server provides service information to the policy decision entity regarding the services which are offered to the user equipment. A database provides the stored subscriber information to the policy decision entity regarding subscription of the users of the user equipment to obtain the services provided by the at least one network or server. A policy decision entity formulates policy rules defining characteristics of the services which may be obtained by users of the user equipment from the at least one network or server in response to the subscriber information and the service information. The policy enforcement entity in response to the policy rules, enforces the obtaining of the services by the user equipment through the system in accordance with at least one characteristic.

Claim 48, from which claims 49-68 and 73 depend, recites a method for providing services. Subscriber information is provided from a database to the policy decision entity regarding permitted conditions for the user equipment to obtain the service which is used by the policy decision entity as part of the formulation of the policy rules. The policy entity enforces providing the service to the user equipment in accordance with the at least one characteristic of the allowed service.

Applicants respectfully submit that the present claims recite features that are neither disclosed nor suggested in the cited reference.

Widegren discloses a method of filtering and gating data flow in a QoS connection between a remote host and user equipment in a packet data network using policy control mechanisms. Widegren discloses that the method includes a remote host, or the user equipment, initiating an application in an application server, such as an SIP proxy server. See column 11 lines 43-52 of Widegren. Widegren discloses that application server support in the network may be provided by the proxy server, or any type of IP based application support, where the IP based application is controlled by end-to-end signaling. See column 14 lines 38-41 of Widegren.

Applicants respectfully submit that Widegren fails to disclose or suggest at least the feature of providing from the database to the policy decision entity the subscriber information regarding permitted conditions for the users to obtain the services as recited in claim 1 and similarly recited in claims 24, 36 and 48. The Office Action alleges that the application server sends subscriber specific information to the PCF. Instead, Widegren discloses that a corresponding PCF in a policy server receives from the application server, filtering data received by the application server during the session. However, none of this data is subscriber specific, contrary to that which is alleged in the Office Action.

The Office Action, on page 5, alleged that this feature is inherent in that the application server provides the user QoS information to the policy decision entity. Further, the Office Action alleged that the proxy server inherently provides information regarding the services offered to the user equipment, which is utilized by the policy decision entity to either authorize or deny the QoS connection. Applicants respectfully

submit that the Office Action did not present a proper basis for the alleged inherency of these features.

To serve as an anticipation, when a cited reference is silent about the asserted inherent characteristics, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Continental Can Co. USA v. Monsanto Co., 948 F2d. 1264, 1268 20 USPQ2d 1746, 1749 (Fed. Cir. 1991).

Applicants respectfully submit that the Office Action did not establish that the application server necessarily provides the user specific information to the policy decision entity, as alleged in the Office Action. Furthermore, there is no disclosure or even suggestion of such a feature, either in Widegren or in the prior art in general. Accordingly, Applicants submit that the cited reference does not explicitly or inherently disclose the feature of providing from the database to the policy decision entity the subscriber information, as recited in the present claims.

Applicants respectfully submit that because claims 2-9, 12-19, 25-35, 37-47, 49-46, 58-65, 69 and 70-73 depend from claims 1, 24, 36 and 48 respectively, these claims are allowable at least for the same reasons as claims 1, 24, 36 and 48. Further, Applicants respectfully submit that the cited reference fails to disclose or suggest all of the features of these dependent claims.

Based at least on the above, Applicants respectfully submit that the cited reference fails to disclose or suggest all of the features recited in claims 1-9, 12-19, 24-56, 58-65,

69 and 70-73. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. 102(e) is respectfully requested.

The Office Action objected to claims 10, 11, 20-23, 57 and 66-68 as being dependent from a rejected base claim. Applicants respectfully submit that because these claims depend from claims 1 and 48, these claims are allowable at least for the same reasons discussed above regarding claims 1 and 48. Accordingly, withdrawal of the objection of claims 10, 11, 20-23, 57 and 66-68 is respectfully requested.

Applicants respectfully submit that each of claims 1-73 recite features that are neither disclosed nor suggested in the cited reference. Accordingly, Applicants respectfully request that each of claims 1-73 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Request for Continued Examination (RCE) Transmittal
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